

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

Adrianne McGee, Adm. Est. of	:	
LeDarren D. Mixon, Deceased,	:	
	:	Case No. 19 CV 000076
Plaintiff,	:	
	:	
vs.	:	Judge French
	:	
City of Whitehall, et. al.,	:	JURY DEMAND ENDORSED HEREIN
	:	
Defendants.	:	

**DEFENDANTS CITY OF WHITEHALL, RONALD L. CASTO¹, AND
GARY A. BAKER, JR.'S ANSWER TO PLAINTIFF'S COMPLAINT**

Now come Defendants City of Whitehall, Ronald L. Casto and Gary A. Baker, Jr., by and through counsel, and for their Answer to Plaintiff's Complaint state as follows:

1. Answering Paragraph 1 of the Complaint, Defendants deny the allegations contained therein;
2. Answering Paragraph 2 of the Complaint, Defendants deny for want of knowledge sufficient to form an opinion as to the truth or falsity thereof;
3. Answering Paragraphs 3 and 4 of the Complaint, Defendants admit the allegations contained therein;
4. Answering Paragraphs 5, 6, and 7 of the Complaint, Defendants admit only that Ronald Casto and Gary Baker are police officers for the City of Whitehall and Joseph Danzey is a police officer for the City of Reynoldsburg. Defendants further admit that the aforementioned officers acted under color of law. Defendants deny the remaining allegations;
5. Answering Paragraph 8 of the Complaint, Defendants deny for want of knowledge sufficient to form an opinion as to the truth or falsity thereof;

¹ Plaintiff incorrectly names Defendant Ronald Casto as Ronald "Castro" in the Complaint.

6. Answering Paragraphs 9, 10, 11, 12, 13, and 14 of the Complaint, Defendants admit only that they participated in the execution of a search warrant at 5300 Great Oak Way, Apartment “G” on January 5, 2018. Defendants deny all remaining allegations contained therein;

7. Answering Paragraphs 15, 18, 20, 29, 31 and 34 of the Complaint, these Paragraphs contain statements of purpose or intent to which no responsive pleading is necessary or appropriate. To the extent that these Paragraphs are deemed to allege facts, Defendants deny said facts;

8. Answering Paragraphs 16, 17, 19, and 21 of the Complaint, Defendants deny the allegations contained therein;

9. Answering Paragraphs 22 and 23 of the Complaint, Defendants deny for want of knowledge sufficient to form an opinion as to the truth or falsity thereof;

10. Answering Paragraphs 24, 25 and 26 of the Complaint, Defendants deny the allegations contained therein;

11. Answering Paragraph 27 of the Complaint, Defendants deny for want of knowledge sufficient to form an opinion as to the truth or falsity thereof;

12. Answering Paragraph 28, 30, 32, 33, 35, 36 and 37 of the Complaint, Defendants deny the allegations contained therein;

13. Defendants deny all allegations not specifically admitted herein to be true.

First Defense

14. Defendants are entitled to immunity, including statutory, absolute and qualified immunity. This includes, but is not limited to the provisions of Ohio’s Political Subdivision Tort Immunity Statute, Ohio Revised Code Chapter 2744;

Second Defense

15. Plaintiff has failed to mitigate her damages in whole or in part;

Third Defense

16. Plaintiff has failed to state a claim upon which relief may be granted;

Fourth Defense

17. Plaintiff's decedent's own contributory and/or comparative negligence and assumption of the risk caused or contributed to cause the injuries and damages of which he complains;

Fifth Defense

18. Plaintiff's claims may be barred in whole or in part by a lack of capacity and/or standing to seek the relief for which she prays. Defendants note that no letters of authority were attached to the Complaint;

Sixth Defense

19. Defendants hereby reserve the right to assert any other matter constituting an avoidance or affirmative defense for which discovery reveals a basis.

Wherefore, Defendants ask the Court to deny all of Plaintiff's claims and requests for relief, dismiss this action and tax all costs of this case to Plaintiff.

Respectfully submitted,

/s/ Andrew N. Yosowitz

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JURY DEMAND

A trial by jury comprised of the maximum number of jurors permitted by law is hereby demanded.

/s/ Andrew N. Yosowitz

Andrew N. Yosowitz (0075306)

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Andrew N. Yosowitz

Andrew N. Yosowitz (0075306)